

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 CIAE-00 COME-00 EB-07

INR-07 LAB-04 NSAE-00 SIL-01 DODE-00 PM-03 H-01 L-02

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01 CU-02

SCCT-01 MMS-01 AID-05 /088 W  
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P R 131117Z FEB 75

FM AMEMBASSY MADRID

TO /SECSTATE WASHDC PRIORITY 1065

INFO AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY BONN

AMEMBASSY THE HAGUE

AMEMBASSY OSLO

AMEMBASSY STOCKHOLM

AMEMBASSY COPENHAGEN

AMEMBASSY VIENNA

AMEMBASSY OTAWA

USEC BRUSSELS 1009

US MISSION GENEVA 640

C O N F I D E N T I A L MADRID 1032

E.O. 11652: GDS

TAGS: ELAB, SP

SUBJ: LABOR: "CARABANCHEL TEN" HEARING HELD

REF: A. MADRID 826

B. MADRID 931

C. STATE 8914

BEGIN SUMMARY: "CARABANCHEL TEN" APPEALS HEARING WAS HELD

FEB 11, AMID VERY TIGHT SECURITY AND A FEW SCATTERED

INCIDENTS. HEARING WAS ATTENDED BY NUMEROUS EUROPEAN

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OBSERVERS, MOSTLY FROM LEGAL AND HUMAN RIGHTS ORGANIZATIONS

AND LEFTIST TRADE UNIONS. ONLY U.S. OBSERVERS PRESENT WERE PRESIDENT NEW YORK CITY COUNCIL PAUL O'DWYER AND LAWYER ERIC SCHMIDT. NEW YORK TRADE UNIONIST WILLIAM COLAVITO FAILED ARRIVE IN MADRID. SUPREME COURT DECISION ON APPEAL EXPECTED SEVERAL DAYS HENCE. END SUMMARY.

1. "CARABANCHEL TEN" SUPREME COURT APPEAL HEARING WAS HELD FEB 11 AND COMPLETED SAME DAY. SECURITY IN COURTHOUSE AREA WAS EXTREMELY TIGHT, WITH HEAVY POLICE AND SECURITY FORCES IN SURROUNDING AREA AND IDENTIFICATIONCHECKS EVEN OF INNOCENT PASSERBY. NOTWITHSTANDING THIS, SOME 100 STUDENTS ATTEMPTED TO DEMONSTRATE OUTSIDE COUNTHOUSE ALTHOUGH IMMEDIATELY STOPPED BY POLICE.

2. COURTROOM ATMOSPHERE REPORTEDLY CALM WITHOUT TENSION AND DRAMA PRESENT AT 1973 TRIAL. NINE COMMUNISTS AND ONE WORKER-PRIEST WHO COMPRISE "CARABANCHEL TEN" WERE NOT PRESENT, BUT WERE REPRESENTED BY THEIR LAWYERS. SITTING BEHIND TEN DEFENSE LAWYERS WERE ABOUT 80 LAWYERS PROMINTNT IN ENTIRE SPANISH OPPOSITION SPECTRUM, TO DEMONSTRATE OPPOSITION SOLIDARITY.

3. HEARING ITSELF WAS REPORTEDLY RUN IN AN EQUITABLE FASHION BY FIVE JUDGES. MOST ELOQUENT PRESENTATIONS WERE REPORTEDLY BY CHRISTIAN DEMOCRATIC LEADER JOAQUIN RUIZ GIMENEZ, WHO ENDED HIS APPEAL ON BEHALF OF HIS CLIENT(MARCELINO CAMACHO) BY QUOTRUG\$99. ?8?)3 "PATHS OF RIGHTEOUSNESS" AND BY CATHOLIC LEADER GIL ROBLES (WHOSE CLIENT IS FATHER GARCIA-SALVE) WHO STATED HE HAS FOR MORE THAN FIFTY YEARS BEEN FIGHTING FOR THE RIGHT OF SPANIARDS TO ASSOCIATE FREELY, A BASIC RIGHT STILL DENIED THEM.

4. SIZEABLE NUMBER OF FOREIGN OBSERVERS WERE PRESENT. MOST OF THEM REPRESENTED EITHER LEGAL OR HUMAN RIGHTS ORGANIZATIONS, OR TRADE UNIONS IN VARIOUS EUROPEAN COUNTRIES. OBSERVERS WERE REPORTEDLY PRESENT FROM ITALY,FRANCE, BELGIUM, AUSTRIA, WEST GERMANY, UNITED KINGDOM, UNITED STATES, AND PERHAPS ONE OR TWO SCANDINAVIAN COUNTRIES

. INTERNATIONAL JURIDICAL GROUPS WERE REPRESENTED BY ORGANIZATIONS SUBHAS THE INTERNATIONAL ASSOCIATION OF JURISTS AND THE INT'L ASSOCIATION OF DEMOCRATIC JURISTS. LARGE ITALIAN OBSERVER DELEGATION CONTAINED TWO ITALIAN PARLIAMENTARIANS (BELIEVED TO BE FROM PSI AND DC) ANY MAYOR OF TOWN FAENZA. AMNESTY INT'L ALSO HAD OBSERVER. CONFIDENTIAL

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BRITISH LABOR PARTY, HOWEVER, SENT ONLY ONE LOW RANKING BRITISH LAWYER.

THERE WERE TRADE UNION OBSERVERS PRESENT FROM ALL THREE ITALIAN TRADE UNIONS( E.E.,CGIL,CISL,AND UIL).AND FROM FRENCH COMMUNIST CGT AND FRENCH CATHOLIC CFTD, BUT BRITISH TUC (WHICH SENT AN OBSERVER TO 1973 TRIAL)FAILED TO SEND OBSERVER THIS TIME. FROM INT'L LABOR SPHERE THERE WAS AN OBSERVER FROM ILO, AND FROM COMMUNIST WFTU. IT STILL UNCLEAR AT PRESENT WHETHER ICFTU OR WCL MAY HAVE SENT OBSERVERS.

5. RE U.S. OBSERVERS, ONLY PAUL O'DWYER, PRESIDENT OF CITY COUNCIL OF NEW YORK, AND LAWYER ERIC SCHMIDT, ATTENDED HEARING. U.S. TRADE UNIONIST WILLIAM COLAVITO(REF C)PRESIDENT OF NEW YORK LOCAL 455 OF STRUCTURAL IRON WORKERS, DID NOTMAKE IT TO MADRID. SCHMIDT TOLD LABATT COLAVITO FLEW TO LONDON BUT WAS UNABLE TO GET SPACE ON CROWDED FLIGHTS FROM LONDON TO MADRID AND APPARENTLY THEN RETURNED TO NEW YORK. RAMSEY CLARK DID NOT COME TO MADRID EITHER. ACCORDING SCHMIDT, RAMSEY CLARK PLANNED TO COME BUT WAS UNABLE TRAVEL DUE TO CLARK'S PARTICIPATION IN ATTICA PRISON MASSACRE TRIAL CURRENTLY BEING HELD IN NEW YORK.

6. LABATT RELAYED TO SCHMIDT AND O'DWYER, CHARGE'S WILLINGNESS RECIEVE THEM ANY TIME IN EMBASSY. IN RESPONSE TO THEIR EARLIER CABLE REQUEST (REF B), DELEGATION, HOWEVER, WER IN END UNABLE TO TAKE ADVANTAGE OF OFFER TO RECEIVE THEM BECAUSE OF BREVITY OF THEIR MADRID STAY (LITTLE MORE THAN 24 HOMU M). THEY SEEMED APPRECIATE EMBASSY'S OFFER, HOWEVER.

7. SCHMIDT MENTIONED HE AND O'DWYER WERE ORIGINALLY UNABLE TO GET INTO COURTHOUSE, ALONG WITH VARIOUS OTHER FOREIGN OBSERVERS, AND THAT POLICE AT DOOR KEPT ASKING HIM IN OMINOUS TONE IF HE WERE RAMSEY CLARK, WHOM THEY APPARENTLY WERE ON LOOKOUT FOR. O'DWYER AND SCHMIDT GOT A SPANISH LAWYER TO SPEAK TO DEAN OF MADRID BAR ASSN, WHO SUBSEQUENTLY GOT THEM ADMITTED TO COURTOOM. GOVT'S APPARENT SENSIVITY TO POSSIBLE PRESENCE OF RAMSEY CLARK AND/OR ANY OTHER SIGNIFICANT AMERICAN POLITICAL PERSONALITIES WAS ALSO DEMONSTRATED DURING COURSE OF A ROUTINE CONVERSATION BY EMBOFF AT MFA FEB 11 ON OTHER SUBJECTS, WHEN MFAOFFICIAL EXPRESSED CONCERN PERSON AS PROMINENT MAYOR O'DWYER OF NEW YORK WOULD ATTEND HEARING (MFA OFFICIAL APPARENTLY THOUGHT REP WAS LATE WILLIAM O'DWYER, ONE-TIME MAYOR OF NEW  
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YORK ANDU U.S. AMBASSADOR, AND WAS DISABUSED OF THIS NOTION BY EMBOFF WHO POINTED OUT THAT PAUL O'DWYER WAS YOUNGER BROTHER OF WILLIAM, AND IS NOT CURRENTLY MAYOR OF NEW YORK).

8. SCHMIDT ALSO SAID U.S. "CARABANCHEL TEN" COMMITTEE RECENTLY CHANGED ITS NAME TO U.S. COMMITTEE FOR DEMOCRATIC SPAIN AND ONE WEEK AGO ISSUED A DOCUMENT IN FORM OF LEGAL BRIEF WHICH TOOK GOS TO TASK OVER "CARABANCHEL TEN" AND ATTACKED IT FOR VIOLATIONS OF UNIVER-SAL DECLARATION HUMAN RIGHTS AND ILO CHARTER IN THIS CASE, WHICH DOCUMENT WAS FORWARDED TO SPANISH SUPREME COURT PRESIDENT. THIS DO-CUMENT CONTAINS NUMXPW OF SIGNATURES PROMINENT AMERICANS, INCLUDING RAMSEY CLARK, ARTHUR MILLER, ROBER BALDWIN, CONGRESSWOMAN BELLA ABZUG (ONLY PERSON IN CONGRESS WHOSE SIGNATURE WAS SOLICITED) AND NOBEL PRIZEWINNERS LUIRA AND DEWALT. ADDITIONALLY, SIGNATURES SEVERAL PROMINENT NATIONAL U.S. TRADE UNION LEADERS WERE OBTAINED

ON THIS DOCUMENT, INCLUDING PRESIDENTS LEONARD WOODCOCK OF UAW, PAT GORMAN OF MEAN CUTTERS, MILLER OF MENE WORKERS, AND CESAR CHAVEZ OF FARM WORKERS.

9. FEARED WIDESPREAD STRIKE ACTIVITY DID NOT DEVELOP. EVEN IN SEVILLE, WHERE GENERAL STRIKE TO COINCIDE WITH "CARABANCHEL TEN" HEARING HAD BEEN CALLED, CONGEN REPORTS GENERAL STRIKE EFFORT WAS NEAR-TOTAL FAILURE.

10. ON PRECEDING DAY, FEB 10, INCIDENT TOOK PLACE OUTSIDE MADRID'S CARABANCHEL PRISON WHEN A MANIFESTATION WAS ATTEMPTED BUT WAS PROMPTLY BROKEN UP BY POLICE WHO MADE VARIOUS ARRESTS. AMONG THOSE ARRESTED THIS EPISODE WERE AN ITALIAN FEE-ANCE TELEVISION CORRESPONDENT AND HIS CAMERAMAN, WHOSE FILM AND CAMERA WERE CONFISCATED AND WHO WERE HURRIEDLY EXPELLED FROM SPAIN. TODAY'S PRESS REPORTS "CARABANCH TEN" HAVE BEGUN HUNGER STRIKE.

11. COMMENT: VERDICT OF SUPREME COURT ON APPEAL HEARING IS NOT EXPECTED FOR ANOTHER SEVERAL DAYS, IN ACCORDANCE WITH NORMAL SPANISH JUDICIAL PRACTICE. THERE USUAL FEELING

THAT MOST LIKELY PROSPECT IS FOR SOME COMMUTATION OF CURRENT STIFF 12-20 YEAR SENTENCES. THERE ALSO TWO OTHER ALTERNATIVES, HOWEVER: (A) THAT STIFF CURRENT SENTENCES WILL BE MAINTAINED IN MIDST OF RECENT INDICATIONS OF HARDENING GOVT STANCE IN VARIOUS FIELDS: OR (B) A MISTRIAL MIGHT BE DECLARED AND NEW TRIAL CONVOKED (DEFENSE CONFIDENTIAL

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LAWYERS YESTERDAY'S HEARING, INTERALIA, DEMANDED A NEW TRIAL), ALTHOUGH LATTER SEEMS LEAST LIKELY POSSIBILITY.

12. PERHAPS MOST SIGNIFICANT ASPECTS OF APPEALS HEARING WERE: (A) EVIDENT SPIRIT OF UNITED OPPOSITION SOLIDARITY WHICH PRESENCE IN THEIR TOWNS OF 80 SPANISH OPPOSITION LAWYERS FROM ALL PARTIES AND FACTIONS EVOKED; (B) SUBSTANTIAL PRESENCE OF FOREIGN OBSERVERS INDICATING THE INTEREST AND ATTENTION WHICH SPANISH MATTERS ARE ABLE TO ATTRACT, AND (C) GOVT'S EVIDENT ANXIOUSNESS AND SENSITIVITY TO CASE.

13. MOST SIGNIFICANT ASPECT OF U.S. OBSERVER PARTICIPATION IS THAT MAN WITH POLITICAL STATURE OF PAUL O'DWYER SHOULD HAVE ATTENDED, AND THAT VARIOUS PROMINENT NATIONAL TRADE UNION LEADERS SHOULD HAVE AFFIXED THEIR SIGNATURES TO DOCUMENT PROTESTING CASE DESPITE FACT BOTH AFL-CIO AND AMERICAN LABOR MOVEMENT AS A WHOLE REMAIN DISASSOCIATED FROM CASE (REF C).  
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## Message Attributes

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